



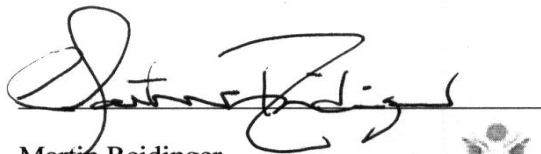
before the Court in this matter. The Order in Beritelli, therefore, is incorporated herein, and the current motion will be disposed of in accord therewith.

### **ORDER**

**IT IS, THEREFORE ORDERED** that the Defendant's Motion to Dismiss [Doc. 5] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, with respect to the Plaintiff's claim for negligent misrepresentation, the Motion to Dismiss [Doc. 5] is **GRANTED** and this claim is **DISMISSED**. In all other respects, the Motion to Dismiss [Doc. 5] is **DENIED**.

**IT IS SO ORDERED.**

Signed: September 30, 2013

  
Martin Reidinger  
United States District Judge

